



ANNOUNCEMENT LS-122

April 2005

**PURCHASE OF FROZEN BONELESS PORK PICNICS AND LEG ROASTS
FOR DISTRIBUTION TO
CHILD NUTRITION AND OTHER FOOD AND NUTRITION PROGRAMS**

I. GENERAL

- A. The Department of Agriculture (USDA) will periodically issue Invitations under this Announcement for offers to sell to USDA frozen pork products as described in the attached Applicable Bid and Contract Provisions (see Exhibit A). In addition to product description, this exhibit also provides information on applicable Item Description and Checklist of Requirements (IDCR) for each frozen boneless pork item.

The frozen boneless pork items will be purchased on a competitive bid basis from suppliers who have met the requirements described in Section I.D.5. Interested suppliers may submit technical proposals at any time during this purchase program. Suppliers should allow 10 working days from receipt of the technical proposal by USDA for notification of results of the evaluation. Following the notification of acceptance of the technical proposal(s), a supplier will be contacted for a pre-award supplier assessment audit as outlined in Section I.D.5. A supplier is deemed eligible to bid after notification by the Contracting Officer.

Submission of a technical proposal is not binding on USDA. Actual purchases will be on a competitive bid basis as described in this Announcement and separately issued Invitations. The Invitations will specify the product type(s), offer date, closing time for receipt of bids, shipping period, the destinations with any transportation restrictions, and any other provisions applicable to the proposed procurement, which are in addition to or different from those set forth herein (see Exhibit B for an example of an Invitation). Bids solicited under this Announcement and applicable Invitations are for delivery of products to USDA on an f.o.b. destination or f.a.s. vessel basis only.

Additional bid and contract provisions are included in the Annual Certifications, Representations, and Warranties (Appendix-1) and the General Terms and Conditions for the Procurement of Agricultural Commodities or Services, Revision 2, dated November 1984, and Amendments 1, 2, 3, and 4 dated October 1990, November 1990, August 1989, and March 1990, respectively, hereinafter referred to as USDA-1.

- B. Offerors are cautioned to carefully read this Announcement, Appendix-1, USDA-1 Invitations, applicable IDCR and applicable Instructions of the Agricultural Marketing Service's (AMS), Audit, Review, and Compliance (ARC) and Meat Grading and Certification (MGC) Branches. Failure to do so will be at the offeror's risk. These documents are incorporated into the contract (see Section IV of this Announcement). Offerors are cautioned that statements made by persons other than the Contracting Officer,

written or implied, are not binding on the Government unless confirmed in writing by the Contracting Officer.

C. Offer Prices and Evidence of Shipment

Offer prices must be quoted and delivery of product must be on the basis of f.o.b. mechanically refrigerated railcars or trucks at destination or f.a.s. vessel as specified in the applicable Invitation. Certain destinations require delivery by TRUCK ONLY or RAIL ONLY and will be so identified in the Invitation. **All products whether shipped by truck, rail, or piggyback must be palletized and stretchwrapped in accordance with the instructions contained in the applicable IDCR and the contractor's approved technical proposal, unless the Invitation and subsequent contract specifies "NO PALLETS."** Contractors may arrange for pallet exchange with consignee, however, USDA is in no way responsible for such arrangements. Destinations that are known to not participate in a pallet exchange program will be noted on Invitations. Offers submitted on a basis other than f.o.b. destination or f.a.s. vessel will be rejected as nonresponsive.

When notified of shipments, consignees may request upgrading of delivery services, for example, delivery within the consignee's premises or to a specific room within a building. Such delivery terms are beyond USDA contractual requirements. Any negotiations to upgrade services are between contractor and consignee and any additional charges for special delivery terms are between the consignee and the contractor. Any charges invoiced to USDA for additional delivery services will be denied.

When making deliveries to more than one destination from the same railcar, the quantities required at each stop off must be placed in separate compartments under seal. Each railcar compartment must be stacked in a manner that will preclude containers from shifting while in transit.

Contracts for all frozen, boneless pork purchased under this Announcement will be awarded on an f.o.b. destination or f.a.s. vessel basis with quality assurance determined by USDA through a pre-award assessment and post-award audits described in section I.D.5 or inspection and acceptance at origin. If product is checkloaded by an AMS agent as described in Option 1 of Section VII., and transportation is provided by common carrier, the contractor may submit an invoice for payment prior to actual delivery, provided product is shipped 5 calendar days in advance of the not-later-than (NLT) shipping date on the contract. Contractor must furnish with the invoice a copy of the AMS acceptance certificate and the signed commercial bill of lading indicating the carrier's receipt of the product covered by the invoice for transportation to the destination specified in the contract.

D. Responsibility of Offeror

1. Annual Certifications, Representations, and Warranties

An offeror intending to submit bids must complete Annual Certifications, Representations, and Warranties in Appendix-1 and return it to the Contracting Officer at the mailing address listed in Section II. A. of this Announcement prior to the submission of its initial bid. An officer of the company must sign the Appendix-1. If there are any

changes or revisions to the Appendix-1, offeror must submit an updated Appendix-1 to the Contracting Officer or submit corrections or revisions prior to bid submission. **In addition to the certifications submitted under Appendix-1, Contractor must complete the Online Representations and Certifications (ORCA) located at the following web address: <http://orca.bpn.gov/login.aspx>.**

2. Standard Form 129--Solicitation Mailing List Application

An offeror intending to submit bids must also complete a Solicitation Mailing List Application (SF-129) and return it to the Contracting Officer at the mailing address listed in Section II. A. of this Announcement prior to the submission of its initial bid.

All items (except Item 18) of the SF-129 must be completed (see Exhibit C). Offeror must also include the following information for Items 4, 8, 10, 14, 16B, 19, and 20:

- | | |
|------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Items 4 and 8: | The Federal meat inspection establishment number or State inspection number and employer's identification number. |
| Item 8: | Identify all affiliates of offeror (applicant as shown in 4) by providing full name, main office address, and employer's identification number of the affiliates. An "affiliate" is defined on the back of the SF-129. |
| Item 10: | The specific products, purchased by USDA which the offeror is interested in supplying, weekly volume of production, capacity, and percent of capacity available for USDA contracts. Attach separate list if additional space is needed. |
| Item 14: | Company's Tax Payer Identification Number (TIN) |
| Item 16B: | Identify the freezer or warehouse to be used and its storage capacity. |
| Items 19 and 20: | Must be an officer of the company. |

Offeror must certify with each bid to the accuracy of the current SF-129 and Appendix-1 on file with the Contracting Officer.

3. Responsibility

A firm submitting an offer under this Announcement must meet the Federal standards for responsibility contained in Title 48 C.F.R. Subpart 9.1, USDA-1, this Announcement, and applicable Invitations. A determination of the responsibility contained in Title 48.C.F.R. Subpart 9.1 must be made prior to a firm submitting a technical proposal. Facilities used in fulfilling USDA contracts must be operating under the (1) provisions of the Federal Meat Inspection Act (FMIA), 21 U.S.C. 601 et seq., and the regulations issued thereunder or (2) State meat inspection program operating under the State-Federal Cooperative Agreement, Section 301 of FMIA.

Contractor must be registered under the Central Contractor Registry (CCR) System as prescribed in Title 48 C.F.R., Subpart 4.1104 and will certify in Appendix-1 on file with the Contracting Officer.

Offeror must ensure that all products offered for USDA purchases are in compliance with applicable contract and specification requirements. Offeror shall authorize the Contracting Officer's Technical Representative (COTR) and other authorized AMS agents unrestricted access to all records that pertain to USDA contracts.

If a contract is awarded to an offeror, contractor and its raw material suppliers must comply with the following requirement:

Contractor shall assure that the meat used in the production of the product under contract with USDA meets all material requirements and other specification provisions as set forth in the applicable product specification.

If a contract is awarded to a contractor which intends to produce the product in a State-inspected meat packing plant operating under Section 301 of the FMIA, the following will apply:

The product produced under this Announcement is for use in USDA programs in the State where the meat packing plant is located. If an intended recipient of the product cannot receive the product and the USDA cannot divert the product to another recipient within the producing State, the USDA will reject, at no cost to the USDA, any undelivered product produced by such State-inspected meat packing plants. Such rejection may occur at any time up until final acceptance by consignee. In the event of such rejection, the contractor must remove USDA markings from the rejected product.

Additionally, for State-inspected plants, nutrition labeling must be in accordance with State regulations and be equal to USDA, FSIS regulations at 9 CFR Parts 317 and 320. Each Invitation issued under this Announcement will identify bid restrictions, in whole or in part, on State-inspected plants.

State inspected plants may not bid on certain products that require movement to interim facilities for processing or storage prior to shipment to another state. Each invitation to be issued under this Announcement will identify bid restrictions, in whole or in part, on State-inspected plants.

4. Food Security Requirements

The contractor and all subcontractors must have a documented and operational food security plan that provides for the security of a plant's production processes, which includes the storage and transportation of finished product after production. The food security plan must be maintained at the facility. The plan shall address the following areas: 1) food security plan management, 2) outside and inside security of the production and storage facilities, 3) slaughter and processing including all raw material sources, 4) shipping and receiving, 5) storage, 6) water and ice supply, 7) mail handling, 8) personnel security, and 9) controlled access to production and storage areas. The plan will be audited by the AMS, ARC Branch (see Section I.5.). See FSIS Security Guidelines for Food Processors at the following web address:

<http://www.fsis.usda.gov/OA/topics/SecurityGuide.pdf> and information for “The Transportation and Distribution of Meat, Poultry, and Egg Products” is located at the following website: <http://www.fsis.usda.gov/OA/topics/TransportGuide.htm>.

Note: Do not submit food security plan with the technical proposal.

5. Documentation and Assessment Requirements

To become an eligible supplier, the following must be submitted to the Contracting Officer, Agricultural Marketing Service, U.S. Department of Agriculture, Stop 0253, Room 2610-South Building, 1400 Independence Avenue, SW, Washington, D.C. 20250-0253, for evaluation and approval prior to bidding:

a. Technical Proposal Requirement:

- 1) Include a detailed description of each item to be offered and each of the production steps taken to meet or exceed the minimum product requirements set forth in the applicable IDCR. (Plan/Do)
- 2) Describe all the quality assurance methods used to verify conformance to all requirements. This will include the monitoring and measurements taken during the process to verify conformance with each requirement. All measurement results shall be recorded and made available to AMS upon request. (Check)
- 3) Identify all corrective actions to be taken if deviations from contractual and specification requirements occur during production, and all preventative actions to be taken to preclude a reoccurrence. (Act)
- 4) The technical proposal shall follow the format as described in Section II. E., Technical Proposal format. Offeror's proposal should be brief and concise.
- 5) The proposal shall be preceded by the following, as required by the template:
 - a) Table of contents listing the major areas as they appear in the technical proposal template; and
 - b) List of attachments: forms provided with the proposal, if appropriate.

Note: Technical proposals not written in the format below must be revised to reflect the IDCR format.
- 6) The technical proposal should be written in the following format:
 - a) Plan and Do - A description of the planning and production steps taken to meet each requirement.
 - b) Check - Describes all the quality assurance methods that will be used to verify conformance to each requirement. This will include the monitoring and measurement taken during the process (all measurements results shall be recorded and made available to AMS upon request).
 - c) Act - Identifies all corrective actions to be taken if deviations from contractual and specification requirements occur during production and all preventative actions taken to preclude reoccurrences.

The COTR will review each technical proposal to determine if the proposal is adequate. The Contracting Officer will notify the supplier of the status of their technical proposal.

Once a supplier is notified by the Contracting Officer that the technical proposal meets the applicable criteria, the Audit Review Compliance Branch will contact the supplier to schedule a supplier pre-award onsite capability assessment.

b. Assessment by the ARC Branch

After the technical proposal is evaluated and approved, an ARC Branch auditor will perform an onsite assessment of the facilities, processes, food security plan, and quality control program used to produce the product(s) to determine the supplier's ability to meet contractual requirements. The following assessments will apply:

1) Pre-Award Onsite Capability Assessment

The pre-award, onsite assessment (audit) will include, but is not limited to, a thorough evaluation of the potential contractor's and subcontractor's facilities, processes, food security plan, quality control program, equipment, procedures, and the appropriate documents and forms used during the production of the boneless pork item. Documentation must support (1) the production of a boneless pork product that complies with the IDCR and the potential contractor's approved technical proposal and (2) the contractor's or subcontractor's food security plan. In addition, the audit will consist of the review of records related to purchasing, receiving, production, quality control, inventory and shipping records, and interviews with management and production personnel.

Upon completion of the on site capability assessment, the auditor will provide a report to the Contracting Officer for final review. After the supplier has satisfactorily completed the pre-award onsite capability assessment, the supplier will receive written notification from the Contracting Officer of their eligibility to bid.

If the report demonstrates that the process or food security plan is inadequate, the applicant will be notified by the Contracting Officer that they are ineligible to bid. The applicant will have the opportunity to correct identified deficiencies, modify their process, food security plan, and/or technical proposal, and resubmit for further consideration. Eligibility will depend on whether the modifications demonstrate that the (1) the process is capable of delivering frozen boneless pork products in compliance with the applicable IDCR, (2) they are in compliance with their food security plan, (3) includes the applicable assessment by USDA, and (4) comply with other applicable contractual requirements.

2) Post-Award Assessment

Eligible suppliers who receive contracts must have their documented food security plan, technical proposals, and supporting documentation readily available for review by the COTR or AMS agents. Records may be maintained on hard copy or electronic media. However, records maintained as electronic media will be made available in printed form immediately upon request by AMS or its agents.

The ARC Branch will conduct an onsite audit of the contractor's and subcontractor's facilities and processes when production commences for the first contract awarded. Additional audits will be conducted as determined by the Contracting Officer, but not less than one per month for contractors or subcontractors with continuous, or once per contract for intermittent contractors. At the discretion of the Contracting Officer, more frequent audits may be conducted when audit deficiencies are detected.

3) Post-Award Actions

Any deviation from contractual requirements will be immediately reported by the contractor to the Contracting Officer. The Contracting Officer will notify the contractor regarding eligibility to continue to participate as a contractor.

Contractor will assure that the delivered product complies with the provisions of the applicable IDCR, the applicable assessment by USDA, and the contractor's technical proposal approved by the Contracting Officer.

6. Responsibility of Subcontractors/Suppliers

Contractors shall include, and subcontractors must meet, the responsibility terms in the above paragraph D.3. of this section in every subcontract for supplies or services used by the contractor in fulfilling USDA contracts, either directly or indirectly, and obtain certification of responsibility as described in Appendix-1 to this Announcement LS-122 from any subcontractors and suppliers.

Contractors shall include, and subcontractors must comply with, the domestic products clause in paragraph I.F. of this section for all subcontracts for meat, meat products, or other ingredients used in fulfilling any contracts awarded under this Announcement. All shipping containers for raw materials must be labeled as "Domestic Only Product" on the principle display panel and invoices or bill of lading from the raw material supplier must indicate "Domestic Only Product." Subcontractors or suppliers of frozen boneless pork items are (1) ineligible if they are currently delivering late on USDA contracts or USDA-approved subcontracts and late delivery is not due to causes beyond their control; and (2) nonresponsible if they are not operating under the provisions of the Federal Meat Inspection Act or have been suspended or debarred under the provisions of 48 C.F.R. Subpart 9.4.

Meat products furnished by a subcontractor or supplier must also comply with the material and other specification requirements as set forth in the applicable product specification.

7. Past Performance

The offeror must certify to timely performance on current contracts and subcontracts in **Item 4** of the Certification Section under the Domestic Electronic Bid Entry System (DEBES) offer (Exhibit D). A determination that any past or current late performance was beyond the control or negligence of the contractor or the contractor's subcontractor **must be made by the Contracting Officer**

prior to bid opening. An offeror will be deemed nonresponsive if the offeror or any of its affiliates or subcontractors are delivering late on other contracts or subcontracts with USDA and the late delivery is not due to causes beyond the contractor's or the contractor's subcontractor's control. This provision, as it pertains to small business, is a deviation from 48 C.F.R. Subpart 19.6.

A false certification may result in rejection of the offer, suspension, and debarment by USDA, termination of the contract, liability for damages under the provisions of USDA-1, or criminal prosecution.

Offerors are cautioned NOT TO BID on product quantities exceeding a level that the offeror can reasonably expect to deliver in accordance with the contract schedule. On-time delivery is imperative because this product is used in school lunch and other USDA Federal food and nutrition programs. Late deliveries can cause serious and substantial damages to USDA and to recipient agencies, some of which cannot be compensated for by liquidated damages.

Contractor shipping late on contract(s) must immediately notify the Contracting Officer of late shipments. If the contractor intends to request an extension due to causes beyond the control or negligence of the contractor, such notice must be made to the Contracting Officer 3 business days in advance of a bid opening in which the contractor wants to bid. Notification and request for extension must include (1) documentary evidence of causes beyond contractor's control for each day requested, (2) a production report of completed and/or expected production, including pounds and dates, and (3) actual, expected shipment, or delivery dates by Notice-to-Deliver (N/D) numbers (see Article 68 of USDA-1).

E. Buy American Certification

End products furnished must be of domestic origin as defined in section I.F. below. This provision is a deviation from 48 C.F.R. part 25 and for the purposes of this Announcement supersedes Article 49 of USDA-1. Other minor ingredients, e.g., seasonings, must comply with Article 49 of USDA-1.

F. Domestic Products

All pork or pork products used in fulfilling contracts awarded under Announcement LS-122 must be produced in the United States. United States produced (hereinafter referred to as U.S.-produced) pork means manufactured from hogs raised in the United States, its territories, possessions, Puerto Rico, or the Trust Territories of the Pacific Islands (hereinafter referred to as the United States). U.S.-produced does not include imported pork or hogs imported for direct slaughter. If any pork or pork products originating from sources other than the United States are processed or handled, the contractor will develop and maintain an identification and record system for these products to ensure they are segregated and not used to fulfill contracts awarded under this Announcement. Such segregation plan must be audited by the ARC Branch and made available to the ARC Branch agent. The contractor will maintain records including, but not limited to, invoices, production and inventory

records evidencing product origin, and will make such records available for review by the Government in accordance with Article 76 of USDA-1.

The contractor agrees to include this domestic origin certification clause in its entirety in all subcontracts for meat or meat products used in fulfilling any contracts awarded under this Announcement and obtain certification from each meat or meat products subcontractor that (1) the subcontractor will deliver only meat or meat products originating from U.S.-produced livestock as defined herein; and (2) all raw material will be shipped in containers labeled as "Domestic Only Product" on the principle display panel and the bill of lading accompanying the shipment will contain the statement "Domestic Only Product."

G. Cancellation, Rescission, and Recovery of Funds for Illegal or Improper Activity

1. If the Government receives information that a contractor or a person acting for the contractor has engaged in conduct constituting a violation of subsection (a), (b), (c), or (d) of section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423) (the Act), as amended by section 4304 of the National Defense Authorization Act for Fiscal Year 1996 (P.L. 104-106), the Government may:
 - a. Cancel the solicitation, if the contract has not yet been awarded or issued; or
 - b. Rescind the contract with respect to which:
 - 1) Contractor or someone acting for the contractor has been convicted for an offense where the conduct constitutes a violation of subsection 27(a) or (b) of the Act for the purpose of either (a) exchanging the information covered by such subsections for anything of value; or (b) obtaining or giving anyone
 - 2) a competitive advantage in the award of a Federal agency procurement contract; or
 - 3) The head of the contracting activity has determined, based upon a preponderance of the evidence, that the contractor or someone acting for the contractor has engaged in conduct constituting an offense punishable under subsection 27(e)(1) of the Act.
2. If the Government rescinds the contract under paragraph 1 of this clause, the Government is entitled to recover, in addition to any penalty prescribed by law, the amount expended under the contract.
3. The rights and remedies of the Government specified herein are not exclusive, and are in addition to any other rights and remedies provided by law, regulation, or under this contract.

H. Service of Protest

1. Protests, as defined in 48 C.F.R. part 33.101, that are filed directly with an agency, and copies of any protests that are filed with the General Accounting Office (GAO),

shall be deemed served on the Contracting Officer by obtaining written and dated acknowledgment of receipt from the Contracting Officer designated in Section II.A.

2. A copy of any protest must be received by the Contracting Officer at the FAX or mailing address listed in Section II.A., within 1 business day of filing a protest with the GAO.

II. SUBMISSION OF OFFERS

A. Where and How To Submit Offers

1. Electronic Submission of Offers

All Offers must be submitted electronically by accessing DEBES. Browser Requirements for DEBES for electronic bidding are described in Attachment II. An Offeror must request and receive a DEBES logon ID in order to access the website (see Attachment III for the form to request a logon ID). Only suppliers deemed responsible by the Contracting Officer will receive a DEBES logon ID.

Access the DEBES website at: <https://pcsd.usda.gov:3077/mdbc1000.exe?>

Once connected to DEBES, follow the online procedures. Click on the “Help” button for detailed instructions on using the system or call (202) 720-2650 for assistance.

AMS will not be responsible for any failure attributed to the transmission of the bid data prior to being accepted and stored on our web server including, but not limited, to the following:

- a. Any failure of the offeror’s computer hardware or software,
- b. Availability of your Internet service provider,
- c. Delay in transmission due to the speed of your modem, or
- d. Delay in transmission due to excessive volume of Internet traffic.

The DEBES system will generally be available 24 hours per day except on Saturday until 9:00 p.m. Central Time, and on Sundays from 8:30 a.m. until 3:30 p.m. Central Time. System availability may at time be subject to interruptions in service due to unscheduled maintenance.

If an offeror’s Internet Service Provider (ISP) is not available, an offeror may submit a bid via facsimile (FAX). If an offeror plans to submit a bid via FAX, offeror **MUST** contact the Contracting Officer for approval prior to faxing the offer.

NOTE: Exhibits D, E, and F provide an example of how offers may be submitted by FAX:

- e. Facilities for receiving offers by FAX are as follows:

FAX: (202) 720-0949 (24 Hours)

f. Verification: **USDA-AMS-LS-CP-Branch**

(202) 720-2650 (6:30 a.m. - 4:00 p.m., Central Time, Monday - Friday)

Faxed offers, modifications, or withdrawals of offers must be addressed as follows:

Contracting Officer
Livestock and Seed Program
Agricultural Marketing Service
U.S. Department of Agriculture
Stop 0253 Room 2610-South Building
1400 Independence Avenue, SW
Washington, D.C. 20250-0253

B. Where and When to Submit Offers

Offers, modifications, or withdrawals of offers must be submitted to the Contracting Officer, Livestock and Seed Program, Agricultural Marketing Service (AMS), U.S. Department of Agriculture, Washington, D.C. 20250

Offers, modifications, or withdrawals of offers under this Announcement must be received in the DEBES Lockbox, or, if authorized by the Contracting Officer, faxed to the AMS, LS, CP Branch not later than 1:30 p.m., Central Time, on the date specified in the Invitation. Invitations will be issued by FAX and be available electronically through the USDA, AMS Commodity Procurement Home Page and posted on the DEBES Internet site. If the planned bid date falls on a nonworkday for USDA employees in the District of Columbia, offers, modifications, or withdrawals are to be received by 1:30 p.m., Central Time on the next succeeding

business day. Whether an offer, modification, or withdrawal is received within the time limitation will be determined by the last submission time recorded in DEBES or electronically captured at the AMS, LS, CP Branch in the event a bid is faxed.

NOTE: Once AMS has established an external portal site, invitations will no longer be sent by FAX, unless requested by supplier or USDA is experiencing technical difficulties at the portal site. Eligible suppliers will be granted access to the site and can subscribe to the appropriate folder(s). USDA will notify suppliers through a Notice to Trade.

C. Shipping Periods

Planned shipping periods by Invitation are identified in Exhibit G. USDA may change this schedule or cease purchases depending on market conditions or funding considerations. Contracts will be awarded on a shipping period basis. The shipping period will be a specific period identified with each Invitation to be issued under this Announcement. Bidders are cautioned to refer to the applicable Invitation prior to bidding.

Shipping periods will be on a first half and second half of the month (e.g., July 1-15 and July 16-31).

D. Purchase Units

The purchase unit size for the various pork products purchased is shown in Exhibit A. The quantity offered on bids must be in purchase unit increments. An offeror may bid the entire quantity on the Invitation or a greater amount, but not less than one unit (e.g., 40,000 pounds). Only one offer price may be quoted to any delivery point listed from each shipping point, including combined destinations bracketed as one line item. Offerors may rearrange the destination sequence on these combined delivery units.

E. What to Submit

Electronic Bid:

An offer must include each of the following items:

Section 1--General

1. Name, phone number, and complete address and zip code of offeror (include both street and mailing address if different).
2. Identify submission as a bid.
STATE: Bid--ANNOUNCEMENT LS-122, Invitation No._.
3. Name and street address including zip code of (a) final processing point and (b) shipping point.

Section 2--Offer Form

1. Item number listed on applicable Invitation, destination, and price per pound delivered to specific destination, segregated by product type if more than one is requested.

NOTES: For bids other than electronic, offerors may, at their own risk, exclude name of destination. Errors in item number(s) will not be apparent to Contracting Officer.

Quote only one delivered price per pound for each destination or multiple destinations listed as one item number. If more than one price per item is quoted, the line item will be ruled nonresponsive.

Estimated number of purchase units by destination will be listed on the Invitation. The offeror must not indicate the number of purchase units by destination. USDA may adjust the quantities listed on the Invitation based on offerings, market conditions, and/or program requirements.

Transportation restrictions will be shown on the Invitations.

The offeror may submit offers for as many destinations as desired. The maximum quantity to be awarded is determined by the constraints quoted in Section 3, Constraints of the bid.

Offer prices may be quoted up to four places to the right of the decimal point. **If other than four places, any digit past the fourth will automatically be dropped.**

Section 3--Constraints

1. State maximum quantity of each commodity type (if applicable) to be awarded and/or maximum quantity overall, for Invitation, both in number of purchase units and equivalent net pounds for shipment to required destinations between (date) and (date).

NOTES: If offering for more than one processing point, be sure to indicate the number of units offered for each commodity type and/or maximum quantity overall for each processing point. Maximum quantity offered may be greater than demand shown on the Invitation.

Total maximum quantity overall for specific product types or Invitation is optional. If total overall is not quoted, AMS may award up to the maximum for each type.

State the applicable shipping period(s) associated with the Invitation.

Section 4--Certifications

1. For this bid, your company is designated as: (choose one)

- ☐ Large Business
- ☐ Large Minority Business
- ☐ Large Woman-Owned Business
- ☐ Large Woman-Owned Minority Business
- ☐ Small Business
- ☐ Small Minority Business
- ☐ Small Disadvantaged "Not 8A"
- ☐ Small Woman-Owned Minority
- ☐ Small Woman-Owned "Not 8A"
- ☐ "8a" Small Woman-Owned
- ☐ "8a" Small Disadvantaged

NOTE: For bids submitted electronically, if default designation is incorrect, please choose correct designation and notify Contracting Officer.

2. By submitting this bid, offeror certifies it HAS read and DOES agree to the terms of LS-122; Appendix-1; Inv. ____; Exhibit A, dated April 2005; Contractor's technical Proposal approved by the Contracting Officer; AMS audit team's initial report; USDA-1, Rev. 2, and Amds. 1, 2, 3, and 4, and the Federal Acquisition Regulations (both boxes must be selected).

☐ HAS
☐ DOES
3. (a) Annual Representations, Certifications, and Warranties (Appendix-1) submitted to the Contracting Officer are current, accurate, and complete. Submitted to Contracting Officer (mm/dd/yyyy): _____.

(b) If Appendix HAS been amended, enter date amended: _____ or N/A.
4. Offeror certifies that the company has completed the Online Representations and Certifications Application (ORCA) on (mm/dd/yyyy): _____.
5. Offeror certifies that the SF-129 on file with the Contracting Officer is accurate and part of this offer.

☐ Does
☐ Does Not
6. All product required under any existing USDA contract(s) or subcontract(s) with a Not-Later-Than-Date prior to this bid opening HAS been shipped/delivered?

☐ Has
☐ Has Not
☐ Has Not, But Has Notified C/O
☐ No Existing Contracts
7. By submitting this bid, offeror certifies that all product conforms with the applicable Item Description and Checklist of Requirements and no changes to the production process or technical proposal have occurred without proper approval by the Contracting Officer.

☐ Does
8. Show name, title, fax number, and phone number of person submitting this bid (must be an authorized company representative).

Technical Proposal:

The following procedures establish the acceptable minimum requirements for the format and content of the proposals:

1. The Government has provided a technical proposal format which is to be used in preparing the technical proposal (See **Exhibit H**). The offeror shall submit technical proposals in both hard copies and an electronic format either on disk (3.5" diskette or

CD) or e-mail. The technical proposal shall be saved in the portable document file (PDF) format. This format and electronic form provided will aid in the evaluation of the technical proposal.

2. Offers must submit diskettes or CDs in sealed disk mailers that have been signed by the same individual signing the original paper copy of the technical proposal. Offerors submitting the electronic PDF format by e-mail must have it sent by the same individual signing the original paper copy of the technical proposal. By signing both the technical proposal and disk mailer, this individual will be attesting to the data in both formats being identical. The seals on this information will be broken by the Contracting Officer only. The technical proposal must be submitted by an authorized agent of the company as evidenced by the SF-129 on file with the Contracting Officer.
3. The offeror will submit the appropriate number of copies as stated in the table below:

Description	Number of Hard Copies	Number of Diskettes/CD's
Technical Proposal 1. 8 ½" x 11" White Paper; 2. One sided-Single spaced (12 point font); 3. Proposal to be provided in protected document holder; and 4. Proposal submitted with all capital letters will be returned to offeror without further review.	3 (Original + 2 copies)	1

4. While it is not the desire of the Government to penalize an offeror for noncompliance with formatting instructions, technical evaluators may have difficulty evaluating the technical proposal to the fullest extent possible. Technical evaluators will not be required to search other subsections or sections of the offeror's technical proposal for information requested for evaluation.

NOTE: All hard copies and diskettes/CDs shall be mailed to the Contracting Officer at the address stated in Section II. A.

Technical Proposal Revisions

Changes to an offeror's technical proposal may be submitted based on the Government's Amendments, Clarification Request, pre-award and post-award assessments, or at the request of the offeror. Maintenance of the integrity and clarity of each technical proposal is critical. All technical proposal revisions must meet the following criteria:

1. Any changes to a technical proposal made by the offeror after its initial submittal shall be accomplished by submitted replacement pages or an entire technical proposal package. A cover letter must be submitted with the changes identified and an explanation of the need for the change. The offeror shall include the revision date and the appropriate page number(s).

Note: Revisions to the approved technical proposal may be submitted by e-mail in a PDF format. Hard copies of the changes must be mailed to the Contracting Officer at the address stated in Section II.A.

2. Must be submitted in the same number of copies as the initial technical proposal and must have the same information provided on revised diskettes/CDs. The revised diskettes/CDs should contain only the pages that are being changed. Additional pages should be numbered using a page number suffix (e.g. 1.1, 1.2, 1.a., 1.b).
3. Submit changes to the technical proposals as a complete page change for each page on which a change occurs. Changes from the original page shall be on blue colored paper and the changes in text shall be **highlighted** or **bolded** and deletions in ~~strikeout~~.

III. ACCEPTANCE OF OFFERS

The USDA will award contracts to offerors deemed eligible and responsible and whose bids conform to the Announcement and the applicable Invitation and whose bids are most advantageous to the Government in terms of, but not limited to, price, quantity needs at the specified destinations, and cost. The USDA requires a minimum acceptance period of 7 calendar days from the acceptance of offers. Acceptance of offers will be made by FAX filed at Washington, D.C., not later than midnight, local time, the seventh day following the day for receipt of offers. The official time of award is the date and time stamped on the contract faxed from the AMS, LS, CP Branch. Transmission of the contract is the official notice that the contract has been awarded. A notice of award will also be issued in the form of a Food Purchase Report (FPR) posted at the Department's Office of Information, News Division, after **1:00 p.m., Central Time** on the day of acceptance. Information on awards will be available by telephone to bidders and interested parties promptly following the posting of the FPR or electronically through the **USDA, AMS Commodity Procurement Home Page** (see Notice attached). Inquiries may be made to a USDA-AMS Market News office or the Contracting Officer.

Failure to accept an offer will constitute rejection. Filing of the acceptance wire as specified above will result in a binding contract without further action by either party. The actual time of award described herein deviates from 48 C.F.R. 14.408-1.

IV. PROVISIONS OF CONTRACT

The contract consists of Announcement LS-122; the applicable Invitation; specifications as described in Exhibit A; applicable MGC and ARC Branches instructions; contractor's or subcontractor's (manufacturer's) technical proposal approved by the Contracting Officer, the AMS audit team's initial report, contractor's offer including SF-129 and Appendix-1; the acceptance by USDA; USDA-1, and the Federal Acquisition Regulations, 48 CFR Section et seq. The following USDA-1 articles are excluded: Articles 34, 49, 50, 64(c), and all of Part E.

If the provisions of contract documents are not consistent, the following priority order will prevail: Invitation, Announcement, specifications as prioritized in Exhibit A, contractor or subcontractor's technical proposal approved by the Contracting Officer, AMS Auditor's initial report, Appendix-1, Federal Acquisition Regulations, and USDA-1.

V. PRODUCT ITEM DESCRIPTION AND CHECKLIST OF REQUIREMENTS AND CERTIFICATION AUDIT SERVICES

- A. Specifications for the boneless pork products will be set forth in the applicable IDCR. If documents are amended, appropriate amendments must be referenced.
- B. Compliance with processing requirements as described in the applicable IDCR and contractor/subcontractor's process documentation and quality control program will be verified through audits by AMS agents. The cost of all audits, including the pre-award, onsite assessment, must be borne by the contractor.
- C. Questions concerning AMS auditors should be discussed with the ARC Branch in Washington, D.C., at (202) 690-0406.
- D. Questions concerning charges and the availability of the AMS agents for checkloading should be discussed with the Office of Field Operations, Denver, Colorado (720) 497-2520.

VI. LOSS DUE TO DETERIORATION, SPOILAGE, OR RECALL

A. Loss Due to Deterioration or Spoilage

The contractor shall be held liable for losses due to deterioration or spoilage for which he or she is responsible, which are discovered within 6 months of the date of delivery to USDA, in accordance with the provisions of Article 61 of USDA-1.

B. Liabilities Due to Product Recalled for Health or Safety Risk

In accordance with Article 60 of USDA-1, the contractor shall be held liable for failure of the commodity to meet all of the contract and specifications requirements. In the event product is recalled due to a health or safety risk, the contractor is responsible for removal and replacement of recalled products and reimbursement of State and local costs incurred as a result of the recall, as outlined in the Food and Nutrition Service's (FNS) Commodity Holds and Recall Process (see below). These costs include, at a minimum, storage, transportation, processing, and distribution of the commodities.

If product under contract is to be delivered to a facility for further processing under contract with a State and the product is recalled, it will be handled in accordance with the FNS's Commodity Holds and Recall Process. A copy of this report can be obtained at the following web address:

<http://www.fns.usda.gov/fdd/foodsafety/hold-recallpros.pdf>

VII. INSPECTION AND CHECKLOADING

The contractor will not ship the product before receipt of shipping instructions from the Farm Service Agency (FSA) Kansas City Commodity Office (KCCO). Inspection as required by Article 54 of USDA-1 will be performed by AMS agents through supplier pre-award assessment and post award audits as described in the appropriate IDCR. Checkloading by an AMS

certification agent as described in Article 55 of USDA-1 is at the option of the contractor. If checkloading is performed by an AMS certification agent, as described in Option 1 below, contractor may submit an invoice for payment prior to actual delivery; provided, the product is shipped by commercial carrier 5 days in advance of the NLT on the N/D (See Section I.C.), and transportation is provided by common carrier. If transportation is provided by other than common carrier, the contractor must attach to the contractor's invoice a receipted copy of the appropriate delivery document evidencing date of delivery and quantity received at the destination specified in the contract.

Option 1- AMS Checkloading

At the request of the contractor, an AMS certification agent (on a fee basis) will checkload the product at the time of shipment and perform the following duties as described in the applicable IDCR:

1. Conduct an examination for temperature
2. Conduct an external condition of container examination;
3. Supervise the loading and sealing of each truck; and
4. Issue a final Acceptance Certificate that may be used for payment purposes.

Option 2 – Contractor Checkloading

Contractor will perform checkloading examinations as described in the applicable IDCR at the time of shipment and issue contractor's checkloading certificate to accompany each shipment that includes all of the following information:

1. Contract Number;
2. N/D Number;
3. Name of product;
4. Shipping Date;
5. Production lot number(s) and date each lot was produced;
6. Count of shipping containers and total projected net weight in each production lot that represents the shipping unit specified in the applicable IDCR;
7. Identity of car or truck (car numbers and letters, seals, truck license, etc.) as applicable;
8. Contractor certification that product conforms to the applicable IDCR;
9. Count and projected net weight verified; and
10. Signature of company official responsible for checkloading.

VIII. SHIPMENT--TRANSFER OF TITLE

A. Shipping Requirements

Shipment must be made in accordance with this Announcement, the applicable Invitation, Articles 56 and 64(b) of USDA-1, and the N/D (Form KC-269) issued by KCCO. The contractor must closely follow delivery notification instructions contained in the N/D. Such notification of shipment is vital to proper execution of shipment, particularly in cases of minimal transit time.

The contractor must notify State distributing agencies and consignees of shipment. For rail shipment, notification must be made on the day of shipment. For truck shipment, notification of the estimated arrival time should be made as far in advance of delivery as possible. In addition, for truck or piggy-back shipment, the contractor must request and keep scheduled appointments. **Unloading appointments for truck or piggy-back deliveries or shipment must be requested from the consignee contact party(s) at least 24 hours in advance of delivery.**

If product is shipped using an AMS agent to checkload as described in shipping Option 1, Section VII., Inspection and Checkloading, a copy of the original USDA Agricultural Products Acceptance Certificate must accompany each shipment so that it will be easily available to the warehouseperson or consignee (as applicable) upon arrival. If the contractor performs checkloading as provided by Option 2 in Section VII, the contractor must include with each shipment the contractor's checkloading certificate, Certificate of Conformance (Exhibit I), and a signed bill of lading or other commercial documentation evidencing the quantity shipped with each delivery. If product is shipped in other than a commercial carrier and a bill of lading is not issued, the contractor's checkloading certificate must document quantity shipped and contractor must obtain a commercial receipt (i.e., warehouse receipt) signed by recipient agent evidencing date of shipment and quantity of product received.

B. Tolerances

Tolerances are as shown in Exhibit A.

C. Early Shipment Requests

Requests for permission to ship in advance of the "Not-Earlier-Than" date given in the N/D must be made to KCCO and approval will be granted if consignee is willing to accept product early and provides to KCCO the assurances required by KCCO of that arrangement.

D. Transfer of Title

Title and risk of loss will pass to USDA on the date of receipt of the product at the destination specified in the contract, as evidenced by suitable dated documentation such as the **commercial bill of lading**, warehouse receipt, dock receipt, or other similar signed and dated document evidencing delivery. If the contractor has the product in storage and transfer of title is requested, title will pass to USDA as evidenced by the commercial bill of lading or after final certification of the shipping unit by an AMS agent. The contractor is responsible for any shortage or damages as evidenced by the commercial bill of lading, FNS-57 report, or other commercial receipt evidencing delivery of product.

IX. LIQUIDATED DAMAGES

A. Compensation to Contractor for Late Mailing of Notice-to-Deliver

Liquidated damages for delay in shipment due to late mailing of N/D will be payable in accordance with Article 65 of USDA-1 and will be at the rate of 25 cents per hundredweight **net per calendar day**.

B. Compensation to USDA for Delays in Shipment

Timely delivery is important to fulfill the nutritional and dietary needs of persons consuming frozen pork products under the National School Lunch Program and other Federal food and nutrition programs and for the efficient and proper administration of these programs. Liquidated damages for delay in shipment are payable at the rate of 25 cents per hundredweight net per day in accordance with Article 67 of USDA-1. For purposes of assessing liquidated damages for delay in shipment, the date shown on the AMS acceptance certificate (Option 1) or contractor's checkloading certificate is considered to be the date of shipment.

X. INVOICES AND PAYMENT

A. Shipping Period Contracts

Invoicing and payment will be handled in accordance with Article 70 of USDA-1. A properly prepared invoice consists of the following:

1. AMS Checkloading (Section VII. - Option 1)

If product is checkloaded by an AMS agent and **shipped by common carrier 5 days in advance** of the NLT on the N/D, contractor may invoice at the time of shipment. A properly prepared invoice consists of the following:

- (1) Invoicing as provided for on the N/D (Form KC-269) or commercial invoice form;
- (2) Commercial bill of lading signed by carrier's agent; and
- (3) Original USDA Agricultural Products Acceptance Certificate issued at time of shipment.

2. Contractor Checkloading (Section VII. - Option 2)

- (1) Invoicing as provided for on the N/D (Form KC-269) or commercial invoice form;
- (2) Commercial bill of lading or other commercial receipt signed by recipient agent evidencing date of delivery and quantity of product received;
- (3) Original of contractor's checkloading certificate; and
- (4) A copy of contractor's Certificate of Conformance.

If a commercial bill of lading signed by carrier's agent is not issued, the invoice package must include a warehouse receipt signed by recipient agent evidencing date of delivery and quantity of product received.

Any loss in transit will be determined by an Over, Short, or Damage Report (FNS-57) filed by recipient. KCMO will advise contractor of discrepancy and recover loss by setoff from future payments or process a claim.

Contractors are encouraged to instruct carriers to return bills of lading or other commercial receipts signed by recipient agents evidencing the date and quantity of product received to avoid conflicts. If there is a conflict, the bill of lading signed by the recipient representative will prevail unless the discrepancy is due to damage not discernable at time of delivery.

B. Invoice Mailing & Interest

1. The invoice package must be mailed or delivered to KCMO at the address listed in Section XI. of the Announcement. The outside of the package should be marked:

**"Prompt Pay Provisions Apply--Meat Product
Attn: Vendor Invoice Payment Section."**

2. Interest will be paid in accordance with the provisions of the Prompt Payment Act, 31 USC 3901 et seq. if payment is made beyond the seventh day after the date of delivery. For payment purposes, the date of delivery will be the receipt date by KCMO of a properly prepared invoice.

C. Electronic Payment

USDA payments must be made directly to a financial banking institution. To receive payments electronically, complete the attached Form SF-3881, ACH Vendor Payment Enrollment Form and submit to the KCMO, Commodity Financial Operations Division, Inventory Control Branch; Telephone (816) 926-6988 or access the form via the Internet at: <https://pcsd.usda.gov:3076/finance/>.

USDA will no longer issue a paper copy of the disbursement statement. Complete the attached address information form, which identifies payment disbursement statement address as well as other needed information.

XI. INQUIRIES

Inquiries pertaining to this solicitation and applicable documents should be directed to:

Contracting Officer
Livestock and Seed Program
Agricultural Marketing Service
U.S. Department of Agriculture
Stop 0253, Room 2610-South Building
1400 Independence Ave, SW
Washington, D.C. 20250-0253
Telephone: (202) 720-2650.

Inquiries concerning **shipping instructions** should be directed to:

Director, Kansas City Commodity Office (KCCO)
Farm Service Agency
U.S. Department of Agriculture
P.O. Box 419205
Kansas City, MO 64141-6205
Telephone: (816) 926-6062

Inquiries concerning **payments** should be directed to:

Director, Kansas City Management Office (KCMO)
Farm Service Agency
U.S. Department of Agriculture
P.O. Box 419205
Kansas City, MO 64141-6205
Telephone: (816) 926-6205

/s/William T. Sessions (4/26/05)
Acting Deputy Administrator
Livestock and Seed Program
Agricultural Marketing Service

Attachments



United States
Department of
Agriculture

Agricultural
Marketing
Service

Stop 0253-Room 2610-S
1400 Independence Avenue, SW.
Washington, DC 20250-0253

EXHIBIT A DATED APRIL 2005
PAGE 1 OF 1

CHECKLIST AND REFERENCES TO APPLICABLE BID AND CONTRACT PROVISIONS
ANNOUNCEMENT LS-122 FOR FROZEN PORK PRODUCTS

PRODUCT DESCRIPTIONS (SECTION I. A. GENERAL)				BID/CONTRACT PROVISIONS					
Product/ Commodity Box Code	Specifications Listed in Priority Order	Commodity Purchase Code	Packaging And Packing	Minimum Offer Unit Size/ Shipping Unit	Tolerance Section VIII. B	Shipping Period Section II.C.; IV and VIII	Federal/State Plants Section I. D. 3	Competition (See invitation)	Payment Section X
Pork, Fresh Leg Roasts A-672	Item Description And Checklist Of Requirements (IDCR)	26-25-28	Individual Roasts must be vacuum packaged and packed 36-42 lbs net weight per shipping container	40,000 lbs 1,250 cases	Plus or minus 30 lbs	1 st half/ last half of month shipping period	Federal & State	Full & Open	Upon Shipment X.A.
Pork, Frozen Boneless Picnics--For Further Processing into a cooked item A-632	For Pork Leg (Fresh Ham) Roasts, Boneless, Trimmed And Pork Shoulder, Picnics, Boneless, Frozen April 2005	26-83-60	Packed into a shipping container (without bags or liners) to a net weight of 60 lbs. Containers must be wax impregnated or interior panels wax lined or plastic film laminated.	40,020 lbs 667 cases	NONE	1 st half/last half of month shipping period	Federal	Full & Open	Upon Shipment X.A.

ANNOUNCEMENT LS-122

EXHIBIT B

 DATE: FROZEN PORK, ANNOUNCEMENT LS-122, INVITATION NO.

The U.S. Department of Agriculture (USDA) invites offers pursuant to ANNOUNCEMENT LS-122 to sell frozen boneless pork, for use in school lunch and other Federal food and nutrition programs. Purchases will be made on a shipping period basis to destinations indicated below. The product must be shipped to the destinations within the shipping period. Destination quantities are estimates and are subject to adjustment based on offerings, changes in recipient needs, market conditions, and program operations.

Product purchased under this Invitation will be produced according to Announcement LS-119, Exhibit A, dated April 2005; and as specified for each product type. Offeror must also have a technical proposal approved by the Contracting Officer under LS-122.

All offers must be in the format prescribed in LS-122 and be submitted electronically via the Internet. Offers must be received by **1:30 p.m., CENTRAL TIME, Friday, _____, 2005**. Acceptances will be announced by midnight, **Friday, _____, 2005**. Shipments must be made between _____ and _____, **2005**.

Offerors must be assigned a logon ID by USDA to access the site. The internet address is: <https://pcsd.usda.gov:3077/mdbc1000.exe?> Once connected, follow the online procedures. A "HELP" button provides detailed instructions or call 202-720-2650 for assistance.

Inquiries about ANNOUNCEMENT LS-113 or this Invitation should be directed to the Contracting Officer, Livestock and Seed Program; USDA, AMS, Stop 0253 Room 2610-South; 1400 Independence Avenue, SW; Washington, D.C. 20250-0253. Telephone: (202) 720-2650; Fax (202) 720-9538.

ANNOUNCEMENT : LS-122
 INVITATION : 100
 COMM GROUP : 26 PORK, FROZEN
 COMM TYPE : 25 PORK, LEG ROASTS
 PACK SIZE : 28 32-40-LB. CONTAINER

ITEM NO	DESTINATION CITY	ST	TRANS RESTR	QUANTITY (LBS.)
---	-----	--	-----	-----


SHIPPING PERIOD 09/01/05-09/15/05

001	VANDIVER	AL		80,000
002	DURAND	GA	TRUCK ONLY	400,000
003	PALMDALE	FL		200,000

TOTAL QUANTITY FOR COMMODITY TYPE 680,000

TOTAL QUANTITY FOR INVITATION 680,000

CONTRACTING OFFICER

SOLICITATION MAILING LIST APPLICATION				1. TYPE OF APPLICATION <input type="checkbox"/> INITIAL <input checked="" type="checkbox"/> REVISION		2. DATE 04/05/2005		OMB No.: 9000-0002 Expires: 10/31/97				
NOTE: Please complete all items on this form. Insert N/A in items not applicable. See reverse for instruction. Public reporting burden for this collection of information is estimated to average .58 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the FAR Secretariat (MVR), Federal Acquisition Policy Division, GSA, Washington, DC 20405.												
3. SUBMIT TO	a. FEDERAL AGENCY'S NAME USDA, AMS, Livestock and Seed Program				4. APPLICANT		a. NAME Lakeshore Meat Co. FI Est. # 7999		b. STREET ADDRESS 1275 Corwith Avenue			
	b. STREET ADDRESS 1400 Independence Ave. Rm 2610-S, MS0253						c. COUNTY		d. CITY Calumet		e. STATE IL	
	c. CITY Washington						d. STATE DC		e. ZIP CODE 20250		f. ZIP CODE 67345	
5. TYPE OF ORGANIZATION (Check one)					6. ADDRESS TO WHICH SOLICITATIONS ARE TO BE MAILED (If different than item 4)							
<input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> NON-PROFIT ORGANIZATION <input type="checkbox"/> PARTNERSHIP <input checked="" type="checkbox"/> CORPORATION, INCORPORATED UNDER THE LAWS OF THE STATE OF: Illinois					a. STREET ADDRESS Same as #4 b. COUNTY c. CITY d. STATE e. ZIP CODE							
7. NAMES OF OFFICERS, OWNERS, OR PARTNERS												
a. PRESIDENT George Coates			b. VICE PRESIDENT Martha Jersild			c. SECRETARY Robert Olson						
d. TREASURER Walter Schnaak			e. OWNERS OR PARTNERS Shareholders of the Corporation									
8. AFFILIATES OF APPLICANT												
NAME Broadview Foods, TIN #XXXXXXXXXXXX			LOCATION 7893 Dolton Ave. Highland, IL 67347			NATURE OF AFFILIATION Parent Company						
Est. # 321												
9. PERSONS AUTHORIZED TO SIGN OFFERS AND CONTRACTS IN YOUR NAME (Indicate if agent)												
NAME			OFFICIAL CAPACITY			TELEPHONE NUMBER						
Edgar Kauffman			Sales Manager			AREA CODE 611		NUMBER 7961992				
Andrew Terrill			Production Manager			611		7961992				
10. IDENTIFY EQUIPMENT, SUPPLIES, AND/OR SERVICES ON WHICH YOU DESIRE TO MAKE AN OFFER (See attached Federal Agency's supplemental listing and instruction, if any)												
Commodity Pork Leg Roast		Current Weekly Production 1,200,000		Additional Capacity 800,000		% Available for USDA Contracts 65%						
11a. SIZE OF BUSINESS (See definitions on reverse) <input checked="" type="checkbox"/> SMALL BUSINESS (If checked, complete items 11B and 11C) <input type="checkbox"/> OTHER THAN SMALL BUSINESS			11b. AVERAGE NUMBER OF EMPLOYEES (including affiliates) FOR FOUR PRECEDING CALENDAR QUARTERS 125			11c. AVERAGE ANNUAL SALES OR RECEIPTS FOR PRECEDING THREE FISCAL YEARS \$29,456,000						
12. TYPE OF OWNERSHIP (See definitions on reverse) (Not applicable for other than small businesses) <input type="checkbox"/> DISADVANTAGED BUSINESS <input type="checkbox"/> WOMAN-OWNED BUSINESS			13. TYPE OF BUSINESS (See definitions on reverse) <input checked="" type="checkbox"/> MANUFACTURER OR PRODUCER <input type="checkbox"/> CONSTRUCTION CONCERN <input type="checkbox"/> SERVICE ESTABLISHMENT <input type="checkbox"/> RESEARCH AND DEVELOPMENT <input type="checkbox"/> SURPLUS DEALER									
14. DUNS NO. (If available) 2787396			TIN # 123234345			15. HOW LONG IN PRESENT BUSINESS? 68 years						
16. FLOORSPACE (Square Feet/M ²) a. MANUFACTURING 44,000					b. WAREHOUSE 150,000*see below							
					a. DATE 12/31/2004		17. NET WORTH b. AMOUNT \$7,537,663					
18. SECURITY CLEARANCE (If applicable, check highest clearance authorized)												
FOR		TOP SECRET		SECRET		CONFIDENTIAL		c. NAMES OF AGENCIES GRANTING SECURITY CLEARANCES				
a. KEY PERSONNEL												
b. PLANT ONLY												
The information supplied herein (including all pages attached) is correct and neither the applicant nor any person (or concern) in any connection with the applicant as a principal or officer, so far as is known, is now debarred or otherwise declared ineligible by any agency of the Federal Government from making offers for furnishing materials, supplies, or services to the Government or any agency thereof.												
19a. NAME OF PERSON AUTHORIZED TO SIGN (Type or print) George Coates					20. SIGNATURE 			21. DATE SIGNED 04/05/2005				
19b. TITLE OF PERSON AUTHORIZED TO SIGN (Type or print) President												
AUTHORIZED FOR LOCAL REPRODUCTION previous edition not usable												
*Robertson Bonded Warehouse 834 Bellwood Avenue Irondale, IL 59571												

INSTRUCTIONS

Persons or concerns wishing to be added to a particular agency's bidder's mailing list for supplies or services shall file this properly completed Solicitation Mailing List Application, together with such other lists as may be attached to this application form, with each procurement office of the Federal agency with which they desire to do business. If a Federal agency has attached a Supplemental Commodity list with instructions, complete the application as instructed. Otherwise, identify in Item 10 the equipment, supplies, and/or services on which you desire to bid. (Provide Federal Supply Class or Standard Industrial Classification codes, if available.) The application shall be submitted and signed by the principal as distinguished from an agent, however constituted.

After placement on the bidder's mailing list of an agency, your failure to respond (submission of bid, or notice in writing, that you are unable to bid on that particular transaction but wish to remain on the active bidder's mailing list for that particular item) to solicitations will be understood by the agency to indicate lack of interest and concurrence in the removal of your name from the purchasing activity's solicitation mailing for items concerned.

SIZE OF BUSINESS DEFINITIONS (See Item 11A.)

a. Small business concern - A small business concern for the purpose of Government procurement is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is competing for Government contracts, and can further qualify under the criteria concerning number of employees, average annual receipts, or the other criteria, as prescribed by the Small Business Administration. (See Code of Federal Regulations, Title 13, Part 121, as amended, which contains detailed industry definitions and related procedures.)

b. Affiliates - Business concerns are affiliates of each other when either directly or indirectly (i) one concern controls or has the power to control the other, or (ii) a third party controls or has the power to control both. In determining whether concerns are independently owned and operated and whether or not affiliation exists, consideration is given to all appropriate factors including common ownership, common management, and contractual relationship. (See Items 8 and 11A.)

c. Number of employees - (Item 11B) In connection with the determination of small business status, "number of employees" means the average employment of any concern, including the employees of its domestic and foreign affiliates, based on the number of persons employed on a full-time, part-time, temporary or other basis during each of the pay periods of the preceding 12 months. If a concern has not been in existence for 12 months, "number of employees" means the average employment of such concern and its affiliates during the period that such concern has been in existence based on the number of persons employed during each of the pay periods of the period that such concern has been in business.

TYPE OF OWNERSHIP DEFINITIONS (See Item 12.)

a. "Disadvantaged business concern" - means any business concern (1) which is at least 51 percent owned by one or more socially and economically disadvantaged individuals; or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more socially and economically disadvantaged individuals; and (2) whose management and daily business operations are controlled by one or more of such individuals.

b. "Women-owned business" - means a business that is at least 51 percent owned by a woman or women who are U.S. citizens and who also control and operate the business.

TYPE OF BUSINESS DEFINITIONS (See Item 13.)

a. "Manufacturer or producer" - means a person (or concern) owning, operating, or maintaining a store, warehouse, or other establishment that produces, on the premises, the materials, supplies, articles or equipment of the general character of those listed in Item 10, or in the Federal Agency's Supplemental Commodity List, if attached.

b. "Service establishment" - means a concern (or person) which owns, operates, or maintains any type of business which is principally engaged in the furnishing of nonpersonal services, such as (but not limited to) repairing, cleaning, redecorating, or rental of personal property, including the furnishing of necessary repair parts or other supplies as a part of the services performed.

- **COMMERCE BUSINESS DAILY** - The Commerce Business Daily, published by the Department of Commerce, contains information concerning proposed procurements, sales, and contract awards. For further information concerning this publication, contact your local Commerce Field Office.

SAMPLE OFFER ELECTRONICALLY SUBMITTED

Submitted at: 09/13/2005 - 10:19:19 am Central Time

JOHN JAMES PACKING CO.
22 MAIN STREET
BERWYN, ME 55507

LS-122/100, FROZEN PORK

Authorized Changes and Comments						
Date		Time	USDA ID	Comments		
Plant 01-John James Packing Co., 22 Main Street, Berwyn, ME						
Shipping Point 01-Jones Meat Packing, 22 Main Street, Berwyn, ME						
PORK, FROZEN LEG ROASTS						
Line Item	Pack Size	Destination	Shipping Period	Est LBS	Price/LBS	Tran Mode
001	32-40 LB CTN	VANDIVER, AL	09/01/2005 - 09/15/2005	40,000	1.1135	
002	32-40 LB CTN	DURAND, GA	09/01/2005 - 09/15/2005	40,000	1.1185	
003	32-40 LB CTN	ROSCOE, TX	09/01/2005 - 09/15/2005	40,000	1.1450	Truck

High Bid Price: 1.1450 Line Item: 003
Low Bid Price: 1.1135 Line Item: 001
Sum of Bid Prices: 3.3770

Constraints				
Const #	Max Qty	Plant Location	Shipping Period	Product
1	15	01-John James Packing	09/01/2005 - 09/15/2005	PORK-FROZEN LEG ROASTS, 32-40 LB CTN
Certifications				
For this bid your company is designated as: SMALL BUSINESS				
Question			Answer	
01) By submitting this bid, offeror certifies he HAS read and DOES agree to the terms of LS-122; Appendix-1; Inv. 100; Exhibit A dated June 2003; USDA 1, Rev. 2, and Amnds 1,2,3, and 4 and Federal Acquisition Regulations. (Both boxes must be selected)			HAS DOES	
02A) Annual Representations, Certifications and Warranties (Appendix-1) submitted to the Contracting Officer are current, accurate, and complete. Submitted to Contracting Officer (mm/dd/yyyy)			06/15/2004	
02B) If Appendix HAS been amended, enter date amended or N/A.			N/A	
03) Company has completed the Online Representations and Certifications Applications (ORCA) on (mm/dd/yyyy)			07/30/2005	
04) Offeror certifies that the SF-129 on file with the Contracting Officer is accurate and part of this offer.			DOES	
05) Offeror certifies that the SF-129 on file with the Contracting Officer is accurate and part of this offer.			DOES	
06) All product required under existing USDA contract(s) or subcontract(s) with a Not Later Than Date prior to this bid opening HAS been delivered.			NO EXISTING CONTRACTS	
07)) By submitting this bid, offeror certifies that all product conforms with the Item Description and Checklist of Requirements, dated April 2005 and no changes to the production process or technical proposal have occurred without proper approval by the Contracting Officer			DOES	
08) Show name, title, FAX number, and phone number of person submitting bid (must be an authorized company representative).			Edgar Kaufmann, President Fax 705-347-8333 Phone 705-347-1715	

High Bid Price: 1.1450 Line Item: 003
Low Bid Price: 1.1135 Line Item: 001
Sum of Bid Prices: 3.3770

**SAMPLE OFFER FOR
MAXIMUMS BY TYPE AND OVERALL MAXIMUMS**

Format to follow only in the event of USDA system failure or an offeror's ISP is unavailable at the time of bid closing.

NOTE: Bids are to be faxed ONLY if electronic bid submission is due to USDA system failure or offeror's ISP is unavailable. Offerors MUST contact the Contracting Officer prior to faxing offer.

The following example shows how offer wires or letters may be submitted giving all essential details in the briefest possible manner. Basic to this procedure is a number identification with each line item of information required in the offer. (See format in section II. E of Announcement LS-122).

Address to: Contracting Officer, Livestock and Seed Program
 USDA, AMS
 Stop 0253- Room 2610 Stop
 1400 Independence Avenue SW
 Washington, D.C. 20250-0253
 Telephone: (202) 720-2650

BID FAX NUMBER: (202) 720-0949
 BID RECEIPT VERIFICATION: (202) 720-2650

Section 1-- General

- | | |
|--------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| 1. John James Packing Co.
22 Main Street
(P.O. Box 123)
Berwyn, Maine 55507 | TEL. 705-555-1212 |
| 2. LS-122/01, Pork Frozen | |
| 3. Plant
James Meat Packers
224 Main Street
Berwyn, Maine 55501 | Shipping Point
James Meat Packers
224 Main Street
Berwyn, Maine 55501 |

Section 2 -- Offer Form

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|
| 1. Pork Leg Roasts
(1) Vandiver, AL, \$1.1135 per lb.
(2) Durand, GA, \$1.1185 per lb.
(6) Roscoe, TX, \$1.1450 per lb. | ALTERNATE FORMAT
(1) \$1.1135 per lb.
(2) \$1.1185 per lb.
(6) \$1.1450 per lb. |
|-----------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|

Section 3-- Constraints

- | | |
|----------------------------------------------------------------------------------|-------------------------------------------------|
| 1. Maximum to be awarded:

15 offer units, 600,000 pounds; pork leg roasts | Shipping Period

09/01/05-09/15/05 |
|----------------------------------------------------------------------------------|-------------------------------------------------|

TOTAL OVERALL INVITATION---15 OFFER UNITS Shipment between 09/01/05 and 09/15/05

Section 4 -- Certifications

1. Small Business
2. HAS, DOES
3. (a) (date Appendix-1 was signed by offeror) (b) N/A
4. 07/01/2005
5. DOES
6. NO EXISITING CONTRACTS
7. Does
8. Edgar Kauffman, President, Tel. 705-347-1715; FAX 705-347-8333
(SIGNATURE REQUIRED)

SAMPLE OFFER FOR MULTIPLE PLANTS

Format to follow only in the event of USDA system failure or an offeror's ISP is unavailable at the time of bid closing.

NOTE: Bids are to be faxed ONLY if electronic bid submission is due to USDA system failure or offeror's ISP is unavailable. Offerors MUST contact the Contracting Officer prior to faxing offer.

The following example shows how offer wires or letters may be submitted giving all essential details in the briefest possible manner. Basic to this procedure is a number identification with each line item of information required in the offer (see format in section II. E of Announcement LS-122).

Address to: Contracting Officer, Livestock and Seed Program
 USDA, AMS
 Stop 0253- Room 2610 Stop
 1400 Independence Avenue SW
 Washington, D.C. 20250-0253
 Telephone: (202) 720-2650

BID FAX NUMBER: (202) 720-0949
 BID RECEIPT VERIFICATION: (202) 720-2650

Section 1 -- General

1. John James Packing Co. TEL. 705-555-1212
 22 Main Street
 (P.O. Box 123)
 Berwyn, Maine 55507
2. LS122/01, Pork Frozen
3. **Plant 1 Shipping Point**
 James Meat Packers
 224 Main Street
 Berwyn, Maine 55501
 James Meat Packers
 224 Main Street
 Berwyn, Maine 55501
- Plant 2 Shipping Point**
 Smith Meat Company
 337 Riva Street
 Boston, MA 57701
 Smith Meat Company
 337 Riva Street
 Boston, MA 57701

Section 2 -- Offer Form

- PLANT NO. 1**
1. **Pork, Leg Roasts** ALTERNATE FORMAT

(1) Vandiver, AL, \$1.1135 per lb.	(1) \$1.1135 per lb.
(2) Durand, GA, \$1.1185 per lb.	(2) \$1.1185 per lb.
(6) Roscoe, TX, \$1.1450 per lb.	(6) \$1.1450 per lb.
- PLANT NO. 2**
- Pork, Leg Roasts** ALTERNATE FORMAT

(1) Vandiver, AL, \$1.1550 per lb.	(1) \$1.1550 per lb.
(2) Durand, GA, \$1.1785 per lb.	(2) \$1.1785 per lb.
(6) Roscoe, TX, \$1.1650 per lb.	(6) \$1.1650 per lb.

Section 3 -- Constraints

- | | | |
|-------------------------------------------------|------------------------|----------------|
| 1. Maximum to be awarded: | Shipping Period | |
| 15 offer units, 600,000 pounds; pork, leg roast | 09/01/05--09/15/05 | Plant 1 |
| 15 offer units, 600,000 pounds; pork, leg roast | 09/16/05--09/30/05 | Plant 2 |

TOTAL OVERALL INVITATION---30 OFFER UNITS Shipment between 09/01/05 and 09/15/05

Section 4 -- Certifications

1. Small Business
2. HAS, DOES
3. (a) (date Appendix-1 was signed by offeror) (b) N/A
4. 07/01/2005
5. DOES
6. HAS NO EXISTING CONTRACTS
7. Does
8. Edgar Kauffman, President, Tel. 705-347-1715; FAX 705-347-8333 **(SIGNATURE REQUIRED)**

PLANNED PURCHASE SCHEDULE
2005-06
LS-122 (BONELESS PORK)

INV. NO.	COMMODITY TYPE	BID OPENING	AWARD DATE (NOT LATER THAN)	SHIPPING PERIOD
001	Boneless Picnics Leg Roasts	6/24	7/1	8/1-15/2005
002	Boneless Picnics Leg Roasts	7/8	7/15	8/16-31
003	Boneless Picnics Leg Roasts	7/22	7/29	9/1-15
004	Boneless Picnics Leg Roasts	8/5	8/12	9/16-30
005	Boneless Picnics Leg Roasts	8/19	8/26	10/1-15
006	Boneless Picnics Leg Roasts	9/2	9/9	10/16-31
007	Boneless Picnics Leg Roasts	9/16	9/23	11/1-15
008	Boneless Picnics	9/30	10/7	11/16-30
009	Boneless Picnics	10/14	10/21	12/1-15
010	Boneless Picnics	10/28	11/4	12/16-31
011	Boneless Picnics Leg Roasts	11/14 (Monday)	11/18	1/1-15/2006
012	Boneless Picnics Leg Roasts	12/2	12/9	1/16-31 2/1-15
013	Boneless Picnics Leg Roasts	1/6/2006	1/13/2006	2/16-28
014	Boneless Picnics Leg Roasts	1/20	1/27	3/1-15
015	Boneless Picnics Leg Roasts	2/3	2/10	3/16-31
016	Boneless Picnics Leg Roasts	2/17	2/24	4/1-15 4/16-30

NOTE: The above purchase schedule is for informational purposes only. USDA may change this schedule or cease purchases depending on market or funding considerations. Bidders are cautioned to refer to the applicable Invitation prior to submitting offers.

(Boneless Picnics/Pork Legs)

[Company Name]

[Company Address]

Technical Proposal for: [Announcement Number] and [Specification]

Table of Contents (all pages and attachments must be number and identified—any attachments must be identified and referenced in the Technical Proposal)

The technical proposal should include all phases of production that meets or exceeds the requirements stated in the specification to produce complying product.

- I. **ITEM DESCRIPTION** Please provide a brief description of the product that will be addressed in the technical proposal.
- II. **CHECKLIST OF REQUIREMENTS** - Please provide a brief description of the planning, production steps (do), check and corrective/preventive (act) measures that the company will do to assure compliance with the checklist of requirements section of the specification.
 - A. **ITEMS** - Contractors must describe the necessary processing steps with pictures to comply with the item descriptions below.
 1. **Pork Leg (Fresh Ham) Roasts, Boneless, Frozen – (plan, do, check, act)**
 2. **Pork Shoulder, Picnics, Boneless, Frozen – (plan, do, check, act)**
 - B. **MATERIALS** - Please provide a brief description of the planning, production steps (do), check and corrective/preventive (act) measures that the company will do to assure compliance with the material section of the specification.

Contractors are responsible for providing sufficient product traceability and must have records to verify the source of raw materials used in each lot of product.

1. **MEAT COMPONENT – (plan, do, check, act)**
 - a. **Domestic Origin**
 - b. **Harvesting (Slaughtering)**
 - c. **Boneless Pork**
 - d. **Fresh-chilled pork**
 - e. **Mechanically separated**
2. **NON-MEAT COMPONENTS – (plan, do, check, act)**

3. **FAT LIMITATIONS – (plan, do, check, act)**
 - a. **Pork Leg Roasts, Boneless**
 - b. **Pork Shoulder Picnics, boneless**
 4. **WEIGHT RANGE – (plan, do, check, act)**
 5. **NETTING AND TYING – (plan, do, check, act)**
 6. **STATE OF REFRIGERATION – (plan, do, check, act)**
- C. PREPARATION FOR DELIVERY - Please provide a brief description of the planning, production steps (do), check and corrective/preventive (act) measures that the company will do to assure compliance with the preparation for delivery section of the specification.**
1. Packaging
 2. Packing
 3. Closure
 4. Labeling
- D. PALLETIZED UNIT LOADS – (plan, do, check, act)**
- E. DELIVERY UNIT – (plan, do, check, act)**
- F. DELIVERED PRODUCT**
1. Size and Style of Container
 2. Temperature
 3. Sealing
- G. WARRANTY AND COMPLAINT RESOLUTION - Please provide a brief description of the planning, production steps (do), check and corrective/preventive (act) measures that the company will do to assure compliance with the warranty and complaint resolution section of the specification.**
1. Warranty
 2. Complaint Resolution
- H. NON-CONFORMING PRODUCT - (Plan, do, check, act)**

Attachments or Appendixes

Please attach all referenced documents with the applicable document name and reference number.

Please provide an example of the Statistical Process Control Charts and Histograms that the supplier intends to utilize in the production process.

**UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
LIVESTOCK AND SEED PROGRAM**

**CERTIFICATE OF CONFORMANCE FOR
THE PROCUREMENT OF
FROZEN BONELESS PORK PRODUCTS**

CERTIFICATE OF CONFORMANCE

I certify the following:

- (1) On [shipping date], [Contractor's name] furnished the [applicable pork product] called for by Contract Number for product shipped under Notice-to-Deliver Number in accordance with all applicable requirements.
- (2) The [applicable boneless pork product] is of the quality specified and conforms in all respects with domestic product requirements and other the contract requirements, including the Item Description, Checklist of Requirements, and Technical Proposal approved by the Contracting Officer.
- (3) Product quantity shipped is as required on the Notice to Deliver.

Date: _____

Signature:

(Signed by an officer or representative authorized to sign offers on the current SF-129)

Title:



**Agricultural
Marketing
Service**

**Livestock and Seed Program
Washington, DC 20250 - 0254**

I T E M D E S C R I P T I O N A N D C H E C K L I S T O F R E Q U I R E M E N T S



**FOR
USDA PURCHASES
OF
PORK LEG (FRESH HAM) ROASTS,
BONELESS, TRIMMED, FROZEN
AND
PORK SHOULDER, PICNICS,
BONELESS, FROZEN**

Effective: April 2005

I. ITEM DESCRIPTION

- Items –
- (1) Pork Leg (Fresh Ham) Roasts, Boneless, Frozen – This item consists of a boneless ham with the shank removed and divided into approximately two equal roasts which are netted and vacuum packaged.
 - (2) Pork Shoulder, Picnics, Boneless, Frozen – This item consists of a boneless picnic bulk packaged in leak-proof shipping containers.

II. CHECKLIST OF REQUIREMENTS

These pork items must be produced under Food Safety and Inspection Service (FSIS) regulations and this checklist of requirements.

A. ITEMS

Contractors must describe the necessary processing steps with pictures to comply with the items below.

1. PORK LEG (FRESH HAM) ROASTS, BONELESS, FROZEN

This item is a netted boneless pork leg with all shank meat (inner shank (*gastrocnemius* and *flexor digitorum superficialis*) and outer shank) excluded. In addition, all bones, cartilages, skin, flank muscle (*rectus abdominus*), *cutaneous trunci*, fat and lean above the aitch bone and exposed lymph glands shall be excluded. The item will be trimmed practically free of surface fat and star fat. Also, the boneless item will be divided into two approximate equal portions (roasts) by a cut perpendicular to the longest dimension of the netted roast.

2. PORK SHOULDER, PICNICS, BONELESS, FROZEN

This item is a boneless pork picnic with the cushion (*triceps brachii group*) attached. In addition, all bones, cartilage, and skin shall be excluded.

B. MATERIALS**1. MEAT COMPONENT**

Pork will be the only meat component allowed.

- a. Domestic Origin Of Meat Component – Pork must originate from U.S. produced livestock as defined in this announcement.
- b. Harvesting (Slaughtering) – Hogs will be harvested in facilities that comply with the following requirements:
 - (1) Humane Handling – All hogs shall be humanely handled in accordance with all applicable FSIS regulations, directives, and notices.
 - (2) Non-Ambulatory Hogs – Meat from carcasses of non-ambulatory hogs will not be included in USDA purchased boneless pork product.

- c. Boneless Pork – Boneless pork will comply with the following requirements:
 - (1) Traceability – Contractors are responsible for providing sufficient product traceability and must have records to verify the source of raw materials used in each production lot.
 - (2) Handling – All boneless pork must be maintained in excellent condition. The contractor's technical proposal shall include detailed production scheduling that addresses time and temperature controls necessary to maintain excellent condition of the boneless pork.
 - (3) Lean Quality – Fresh-chilled pork must be reasonably uniform in color (slightly two tone color is permissible) ranging from light pink to light red. The pork muscles must not exhibit any evidence of pale, soft, and/or exudative conditions.
- d. Fresh-Chilled Pork – Only fresh-chilled pork which has never been previously frozen will be allowed.
- e. Mechanically Separated – Pork that is mechanically separated from bone with automatic deboning systems or advanced meat (lean) recovery (AMR) systems is not allowed.

2. NON-MEAT COMPONENTS

Non-meat components such as bones, cartilages, skin, spinal cord, organ tissue, and foreign material are not allowed.

3. FAT LIMITATIONS

- a. Pork Leg Roasts – The pork leg roasts will be trimmed so they are practically free of surface and star fat. There shall be at least 75% lean/seam surface exposed and the remaining fat shall not exceed $\frac{1}{8}$ inch (3 mm) in thickness at any one point.
- b. Pork Shoulder Picnics – The maximum average fat thickness for pork shoulder picnics shall be $\frac{1}{4}$ inch (6 mm) and the maximum fat thickness at any one point shall be $\frac{1}{2}$ inch (13 mm) or less.

4. WEIGHT RANGE

- a. Pork Leg Roasts – Individual pork leg roast will weight 6 – 10 pounds
- b. Pork Shoulder Picnics – A weight range is not required.

5. NETTING AND TYING

- a. Pork Leg Roasts – Roasts will be netted or tied so that all portions are held intact, without any portions protruding through the ends of the netting to make roasts firm and compact
- b. Pork Shoulder Picnics – Netting and tying is not allowed.

6. STATE OF REFRIGERATION

Product will be frozen to an internal temperature of not higher than 0° F (-17.8°C) within 72 hours from the time of final fabrication of the lot.

C. PREPARATION FOR DELIVERY

The contractor's technical proposal and process will assure that all packaging, packing, labeling, closure, marking, and palletization comply with the National Motor Freight Regulations and FSIS regulations and the requirements listed below.

1. PACKAGING

- a. Pork Leg Roasts – Each leg roast will be vacuum packaged.
- b. Pork Shoulder Picnics – Boneless picnics will be bulk packaged in leak-proof shipping containers.

2. PACKING

- a. Pork Leg Roasts – Vacuum packaged pork leg roasts will be placed into shipping containers to a net weight ranging 36 – 42 pounds. Box liners are not required.
- b. Pork Shoulder Picnics – Boneless picnics will be bulk packaged in leak-proof shipping containers without the use of plastic liner bags to a net weight of 60 pounds.

3. CLOSURE

Shipping containers will be closed by strapping, taping or gluing. When strapping is used, the initial closure (usually the bottom of container) shall be secured by the gluing or taping method.

4. LABELING

Both primary and shipping container labels will be illustrated in the contractor's technical proposal and contain the following information:

- a. Primary Container – Each primary container is required to have a traceability code that is traced back to establishment number, production lot, and date.
- b. Shipping Container – All shipping containers will have the following information:
 - (1) USDA shield at least 2 inches high and appearing on the top of the container or on the principle display panel.
 - (2) Applicable contract number.
 - (3) A traceability code that is traced back to establishment number, production lot, and date.
 - (4) Pork leg roasts product code: A672.



(5) Boneless picnics:

- (i) The product code "A632".
- (ii) The words "For Further Processing" will appear on the principle display panel.

D. PALLETIZED UNIT LOADS

All products shall be stacked on new or well-maintained pallets and palletized with shrink wrap plastic, unless otherwise specified in the invitation.

E. DELIVERY UNIT

1. PORK LEG ROASTS

The delivery unit will be 40,000 pounds net weight (plus or minus 30 pounds).

2. PORK SHOULDER PICNICS

The delivery unit will be 40,020 pounds net weight (667 shipping containers).

F. DELIVERED PRODUCT

1. SIZE AND STYLE OF CONTAINER

Only one size and style of primary and shipping container may be used in any one delivery unit.

2. TEMPERATURE

Product temperature will not exceed 0° F at the time of shipment and delivery.

3. SEALING

All products must be delivered to AMS destinations under seal (metal or plastic seal, lock, etc.).

G. WARRANTY AND COMPLAINT RESOLUTION

1. WARRANTY

The contractor will guarantee that the product complies with all contractual requirements.

2. COMPLAINT RESOLUTION

The contractor's technical proposal must provide the steps taken to resolve complaints received on the product i.e, point of contact, cause and effect analysis, corrective and preventative actions taken, and product replacement.

H. NON-CONFORMING PRODUCT

The contractor must include a plan to assure that non-conforming product is not delivered under USDA contracts. The plan must address 1) control and segregation of non-conforming product, 2) removal of any USDA markings, and 3) disposition of non-conforming product.

Browser Requirements For DEBES

Netscape 4.07 or above
Internet Explorer 5.0 or above

The browser must be capable of handling 128 bit encryption. To determine this:

In IE, go to **Help/About Internet Explorer**. The display will show:

Cipher Strength: 128-bit

If it does not, you will need to download a new version of the browser from Microsoft at <http://www.microsoft.com>

In Netscape, go to **Help/About Communicator**. The display will show:

**This version supports U.S. security with
RSA Public Key Cryptography, MD2, MD5,
RC2-CBC, RC4, DES-CBC,
DES-EDE3-CBC.**

If it does not, you can download a new version of the browser from Netscape at <http://home.netscape.com/download/index.html?cp=djucc4>. Choose the 128 bit Strong Encryption* version for your download.

The **Production** site URL address is:

<https://pcsd.usda.gov:3077/mdbc1000.exe?>

The **Vendor Practice** site URL address is:

<https://pcsd.usda.gov:3050/mdbc1000.exe?>

Proxy Servers

Most connection problems are the result of improper browser version, not using 128 bit encryption, and connecting through your corporate proxy server. The proxy server must be set up to allow HTTPS protocol through the appropriate port; Vendor Practice is port 3050 and Production is port 3077.

LIVESTOCK AND SEED PROGRAM**VENDOR REQUEST FOR LOGON IDENTIFICATION (ID) AND PASSWORD
DOMESTIC ELECTRONIC BID ENTRY SYSTEM (DEBES)**

COMPANY INFORMATION:

COMPANY NAME		
Street Address		
City	State	Zip Code
Person to receive Vendor ID and password		
Method to receive Vendor ID and password: (Complete one)		
Telephone:		
Fax:		
E-Mail:		
Assign 5-8 digit alpha/numeric personal identification number (PIN) for company: _____ (This code will be used as verification by USDA when assigning or resetting a password)		
NAME AND TITLE OF PERSON REQUESTING LOGON ID: (Must be authorized on SF-129 to sign bids)		
Name _____ Title _____		
Signature _____ Date _____		

TO BE COMPLETED BY USDA:

VENDOR LOGON ID: (“A” and 6 digits)	PASSWORD: (must be changed at first DEBES logon):
Notified: _____ Date: _____ (Company Representative)	
USDA Marketing Specialist:	Date:

**Please return this form by fax to: Contracting Officer, Commodity Procurement Branch, LS Program
(202)720-0949.**

FOR INFORMATION CALL (202) 720-2650

**AGRICULTURAL MARKETING SERVICE
FOOD PURCHASE INFORMATION ON THE INTERNET**

Suppliers and Recipients of Food Products Purchased by the Department of Agriculture's Agricultural Marketing Service (AMS), an agency in the Marketing and Regulatory mission area, can access information on purchases and offers via the Internet.

USDA HOME PAGE:

<http://www.usda.gov>

AMS HOME PAGE:

<http://www.ams.usda.gov>

AMS COMMODITY PROCUREMENT HOME PAGE:

<http://www.ams.usda.gov>

ACH VENDOR/MISCELLANEOUS PAYMENT ENROLLMENT FORM		OMB No. 1510-0056 Expiration Date 01/31/2000	
This form is used for Automated Clearing House (ACH) payments with an addendum record that contains payment-related information processed through the Vendor Express Program. Recipients of these payments should bring this information to the attention of their financial institution when presenting this form for completion.			
PRIVACY ACT STATEMENT The following information is provided to comply with the Privacy Act of 1974 (P.L. 93-579). All information collected on this form is required under the provisions of 31 U.S.C. 3322 and 31 CFR 210. This information will be used by the Treasury Department to transmit payment data, by electronic means to vendor's financial institution. Failure to provide the requested information may delay or prevent the receipt of payments through the Automated Clearing House Payment System.			
AGENCY INFORMATION			
FEDERAL PROGRAM AGENCY:			
United States Department of Agriculture - Commodity Credit Corporation			
AGENCY IDENTIFIER: USDA-FSA-KCMO	AGENCY LOCATION CODE (ALC): <div style="text-align: center;">0000-4992-2</div>	ACH FORMAT: DO NOT COMPLETE THIS BLOCK! <div style="display: flex; justify-content: space-around;"> <input type="checkbox"/> CCD+ <input type="checkbox"/> CTX <input type="checkbox"/> CTP </div>	
ADDRESS: <div style="text-align: center;"> Attn: ACH Disbursements P. O. Box 419205 Kansas City, Missouri 64141-6205 </div>			
CONTACT PERSON NAME: <div style="text-align: center;">Bob Glenn</div>		TELEPHONE NUMBER: <div style="text-align: center;">(816) 926-6988</div>	
ADDITIONAL INFORMATION: <div style="text-align: center;">FAX Number: 816-823-1364</div>			
PAYEE/COMPANY INFORMATION			
NAME:		SSN NO. OR TAXPAYER ID NO.:	
MAILING ADDRESS:		ENTITY/MASTER-CONTRACT CODE <i>(If known) (Attach sheet if more space needed):</i>	
DISBURSEMENT STATEMENT MAILING ADDRESS <i>(If different from above):</i>			
CONTACT PERSON NAME:		TELEPHONE NUMBER: <div style="text-align: center;">()</div>	
SIGNATURE AND TITLE OF AUTHORIZED OFFICIAL:			
FINANCIAL INSTITUTION INFORMATION			
NAME:			
ADDRESS:			
ACH COORDINATOR NAME:		TELEPHONE NUMBER: <div style="text-align: center;">()</div>	
NINE-DIGIT ROUTING TRANSIT NUMBER <div style="text-align: center;"> ____ _ </div>			
DEPOSITOR ACCOUNT TITLE:			
DEPOSITOR ACCOUNT NUMBER:		LOCKBOX NUMBER:	
TYPE OF ACCOUNT: <div style="display: flex; justify-content: space-around;"> <input type="checkbox"/> CHECKING <input type="checkbox"/> SAVINGS <input type="checkbox"/> LOCKBOX </div>			
SIGNATURE AND TITLE OF AUTHORIZED OFFICIAL (Could be the same as ACH Coordinator):		TELEPHONE NUMBER: <div style="text-align: center;">()</div>	
<div style="display: flex; justify-content: space-between;"> <i>Form designed using WordPerfect 6.1 for Windows - USDA-FSA</i> SF-3881 (Rev. 12/90) </div> <div style="display: flex; justify-content: space-between;"> NSN 7540-01-274-9925 Prescribed by Department of Treasury 31 U S C 3322; 31 CFR 210 </div>			

INSTRUCTIONS FOR COMPLETING SF-3881 FORM

1. Agency Information Section - Federal agency prints or types the name and address of the Federal program agency originating the vendor/miscellaneous payment, agency identifier, agency location code, contact person name and telephone number of the agency. Also, the appropriate box for ACH format is checked.
2. Payee/Company Information Section - Payee prints or types the name of the payee/company and address that will receive ACH vendor/miscellaneous payments, social security or taxpayer ID number, and contact person name and telephone number of the payee/company. Payee also verifies depositor account number, account title, and type of account entered by your financial institution in the Financial Institution Information Section.
3. Financial Institution Information Section - Financial institution prints or types the name and address of the payee/company's financial institution who will receive the ACH payment, ACH coordinator name and telephone number, nine-digit routing transit number, depositor (payee/company) account title and account number. Also, the box for type of account is checked, and the signature, title, and telephone number of the appropriate financial institution official are included.

BURDEN ESTIMATE STATEMENT

The estimated average burden associated with this collection of information is 15 minutes per respondent or recordkeeper, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Financial Management Service, Facilities Management Division, Property and Supply Branch, Room B-101, 3700 East-West Highway, Hyattsville, MD 20782 and the Office of Management and Budget, Paperwork Reduction Project (1510-0056), Washington, DC 20503.



United States
Department of
Agriculture

Agriculture
Marketing
Service

Stop 0253-Room 2610-S
1400 Independence Avenue, SW
Washington, DC 20250

ADDRESS INFORMATION FOR AMS COMMODITY PURCHASE PROGRAM

Vendor Name and Address: Contracts will be awarded and mailed to address provided.	Company Name:	
	Contact:	
	Address-Street:	
	Address-P.O. Box:	
	City, State, Zip:	
	Fed. Meat Insp. Est. No. Or State Insp. No. as appropriate:	
	E-Mail address:	
	Phone:	Fax:
Payment Disbursement Statement address: Payments to Vendors must be made electronically. To set up electronic transfer, contact the Kansas City Mgmt. Office (816/926-6988) <input type="checkbox"/> ACH <input type="checkbox"/> In Process	Company Name:	
	Contact:	
	Address-Street:	
	Address-P.O. Box:	
	City, State, Zip:	
	Phone:	
	Taxpayer Identification No. (TIN #)	
Plant Address: If Vendor address is same for plant, write "Same". If multiple plants, attach additional pages.	Company Name:	
	Contact:	
	Address-Street:	
	Address-P.O. Box:	
	City, State, Zip:	
	Phone:	
Plant's Shipping Point Address: If Plant address is same for shipping, write "Same". If multiple shipping points, attach additional pages.	Company Name:	
	Contact:	
	Address-Street:	
	Address-P.O. Box:	
	City, State, Zip:	
	Phone:	
Notice to Deliver Address:	Company Name:	
	Contact:	
	Address-Street:	
	Address-P.O. Box:	
	City, State, Zip:	
	Phone:	

Signature & Title (Authorized Company Representative)

Date

PLEASE RETURN THIS FORM BY FAX TO:

Contracting Officer, Livestock & Seed Program, AMS, USDA; 202/720-0949.

SOLICITATION MAILING LIST APPLICATION				1. TYPE OF APPLICATION <input type="checkbox"/> INITIAL <input type="checkbox"/> REVISION		2. DATE		OMB No.: 9000-0002 Expires: 10/31/97	
NOTE: Please complete all items on this form. Insert N/A in items not applicable. See reverse for instruction. Public reporting burden for this collection of information is estimated to average .58 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the FAR Secretariat (MVR), Federal Acquisition Policy Division, GSA, Washington, DC 20405.									
3. SUBMIT TO	a. FEDERAL AGENCY'S NAME				4. APPLICANT	a. NAME FI Est. #			
	b. STREET ADDRESS					b. STREET ADDRESS		c. COUNTY	
	c. CITY		d. STATE	e. ZIP CODE		d. CITY		e. STATE	e. ZIP CODE
5. TYPE OF ORGANIZATION (Check one)					6. ADDRESS TO WHICH SOLICITATIONS ARE TO BE MAILED (If different than item 4)				
<input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> NON-PROFIT ORGANIZATION					a. STREET ADDRESS				
<input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> CORPORATION, INCORPORATED UNDER THE LAWS OF THE STATE OF:					b. COUNTY				
					c. CITY				
					d. STATE e. ZIP CODE				
7. NAMES OF OFFICERS, OWNERS, OR PARTNERS									
a. PRESIDENT			b. VICE PRESIDENT			c. SECRETARY			
d. TREASURER			e. OWNERS OR PARTNERS						
8. AFFILIATES OF APPLICANT									
NAME			LOCATION			NATURE OF AFFILIATION			
9. PERSONS AUTHORIZED TO SIGN OFFERS AND CONTRACTS IN YOUR NAME (Indicate if agent)									
NAME			OFFICIAL CAPACITY			TELEPHONE NUMBER			
						AREA CODE		NUMBER	
10. IDENTIFY EQUIPMENT, SUPPLIES, AND/OR SERVICES ON WHICH YOU DESIRE TO MAKE AN OFFER (See attached Federal Agency's supplemental listing and instruction, if any)									
11a. SIZE OF BUSINESS (See definitions on reverse)			11b. AVERAGE NUMBER OF EMPLOYEES (Including affiliates) FOR FOUR PRECEDING CALENDAR QUARTERS			11c. AVERAGE ANNUAL SALES OR RECEIPTS FOR PRECEDING THREE FISCAL YEARS			
<input type="checkbox"/> SMALL BUSINESS (If checked, complete items 11B and 11C) <input type="checkbox"/> OTHER THAN SMALL BUSINESS						\$			
12. TYPE OF OWNERSHIP (See definitions on reverse) (Not applicable for other than small businesses)			13. TYPE OF BUSINESS (See definitions on reverse)			<input type="checkbox"/> SURPLUS DEALER			
<input type="checkbox"/> DISADVANTAGED BUSINESS <input type="checkbox"/> WOMAN-OWNED BUSINESS			<input type="checkbox"/> MANUFACTURER OR PRODUCER <input type="checkbox"/> SERVICE ESTABLISHMENT <input type="checkbox"/> CONSTRUCTION CONCERN <input type="checkbox"/> RESEARCH AND DEVELOPMENT						
14. DUNS NO. (If available)			TIN #			15. HOW LONG IN PRESENT BUSINESS?			
16. FLOORSPACE (Square Feet/M ²)					17. NET WORTH				
a. MANUFACTURING			b. WAREHOUSE		a. DATE		b. AMOUNT		
							\$		
18. SECURITY CLEARANCE (If applicable, check highest clearance authorized)									
FOR		TOP SECRET	SECRET	CONFIDENTIAL	c. NAMES OF AGENCIES GRANTING SECURITY CLEARANCES			d. DATES GRANTED	
a. KEY PERSONNEL									
b. PLANT ONLY									
The information supplied herein (including all pages attached) is correct and neither the applicant nor any person (or concern) in any connection with the applicant as a principal or officer, so far as is known, is now debarred or otherwise declared ineligible by any agency of the Federal Government from making offers for furnishing materials, supplies, or services to the Government or any agency thereof.									
19a. NAME OF PERSON AUTHORIZED TO SIGN (Type or print)					20. SIGNATURE			21. DATE SIGNED	
19b. TITLE OF PERSON AUTHORIZED TO SIGN (Type or print)									

AUTHORIZED FOR LOCAL REPRODUCTION
Previous edition not usable

STANDARD FORM 129 (REV. 12-96)
Prescribed by GSA - FAR (48 CFR) 53.214(e)

INSTRUCTIONS

Persons or concerns wishing to be added to a particular agency's bidder's mailing list for supplies or services shall file this properly completed Solicitation Mailing List Application, together with such other lists as may be attached to this application form, with each procurement office of the Federal agency with which they desire to do business. If a Federal agency has attached a Supplemental Commodity list with instructions, complete the application as instructed. Otherwise, identify in Item 10 the equipment, supplies, and/or services on which you desire to bid. (Provide Federal Supply Class or Standard Industrial Classification codes, if available.) The application shall be submitted and signed by the principal as distinguished from an agent, however constituted.

After placement on the bidder's mailing list of an agency, your failure to respond (submission of bid, or notice in writing, that you are unable to bid on that particular transaction but wish to remain on the active bidder's mailing list for that particular item) to solicitations will be understood by the agency to indicate lack of interest and concurrence in the removal of your name from the purchasing activity's solicitation mailing for items concerned.

SIZE OF BUSINESS DEFINITIONS (See Item 11A.)

a. Small business concern - A small business concern for the purpose of Government procurement is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is competing for Government contracts, and can further qualify under the criteria concerning number of employees, average annual receipts, or the other criteria, as prescribed by the Small Business Administration. (See Code of Federal Regulations, Title 13, Part 121, as amended, which contains detailed industry definitions and related procedures.)

b. Affiliates - Business concerns are affiliates of each other when either directly or indirectly (i) one concern controls or has the power to control the other, or (ii) a third party controls or has the power to control both. In determining whether concerns are independently owned and operated and whether or not affiliation exists, consideration is given to all appropriate factors including common ownership, common management, and contractual relationship. (See Items 8 and 11A.)

c. Number of employees - (Item 11B) In connection with the determination of small business status, "number of employees" means the average employment of any concern, including the employees of its domestic and foreign affiliates, based on the number of persons employed on a full-time, part-time, temporary or other basis during each of the pay periods of the preceding 12 months. If a concern has not been in existence for 12 months, "number of employees" means the average employment of such concern and its affiliates during the period that such concern has been in existence based on the number of persons employed during each of the pay periods of the period that such concern has been in business.

TYPE OF OWNERSHIP DEFINITIONS (See Item 12.)

a. "Disadvantaged business concern" - means any business concern (1) which is at least 51 percent owned by one or more socially and economically disadvantaged individuals; or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more socially and economically disadvantaged individuals; and (2) whose management and daily business operations are controlled by one or more of such individuals.

b. "Women-owned business" - means a business that is at least 51 percent owned by a woman or women who are U.S. citizens and who also control and operate the business.

TYPE OF BUSINESS DEFINITIONS (See Item 13.)

a. "Manufacturer or producer" - means a person (or concern) owning, operating, or maintaining a store, warehouse, or other establishment that produces, on the premises, the materials, supplies, articles or equipment of the general character of those listed in Item 10, or in the Federal Agency's Supplemental Commodity List, if attached.

b. "Service establishment" - means a concern (or person) which owns, operates, or maintains any type of business which is principally engaged in the furnishing of nonpersonal services, such as (but not limited to) repairing, cleaning, redecorating, or rental of personal property, including the furnishing of necessary repair parts or other supplies as a part of the services performed.

- **COMMERCE BUSINESS DAILY** - The Commerce Business Daily, published by the Department of Commerce, contains information concerning proposed procurements, sales, and contract awards. For further information concerning this publication, contact your local Commerce Field Office.